

# THE ORDER

OF

Keeping a Court Leet,

AND

Court Baron;

WITH

The Charges appertaining to the same.

Truly and plainly delivered in the English tongue,  
for the profit of all men, and most commo-  
dious for young Students in the Lawes,  
and all other within the jurisdic-  
tion of those Courts:

*With divers new Additions  
thereunto added.*

---

*Quicquid agas prudenter agas, & respice finem.*

---

Printed at London, 1641.

1875

1876

1877

1878

1879

}

1880

1881

1882

1883

1884

1885

1886

<

1887

1888



THE ORDER OF  
Court Leet and  
Court Baron.

**F**irst, there shall be a Precept made by the Steward unto the Bailife, to warne the Court, by a reasonable time : that is to say, six or more daies befoze the Court be kept, in such forme as followeth : But it is better, if warning be sixtene daies befoze, as it is in the Common Banke.

The Precept.

Black-  
ford. *A. B. generos. Seneschall Manerii predicti  
Ballivo ejusdem Salutem. Tibi precipio gari-  
ter & modo, quod diligenter pramonere facias omnes  
tenentes infra manerium predictum, tam residentes  
quam non residentes, atque omnes tenentes Customarios  
Manerii predi, quod sint coram me in hac parte suffici-  
cienter deputati, apud Blackesford predictam, die  
Jovis vicesimo sexto die Martii proximo futuro.*  
A 2 post

## Court Leet,

post datum huius ad faciendum sessam suam, tam ad  
visum Frank' pleg' quam ad Curiam Baron' & omnia  
alia que eis incumbunt, & pertinebunt, & hac bulla tenus  
omittas: & habeas ibi hoc preceptum. Datum sub sigillo  
meo, decimo die huius mensis Martii, annis Regni Jacobi  
Dei gratia Anglie, Francie, & Hibernie Regis, fidei de-  
fensor, &c. secundo, & Scotie tricesimo octavo.

After that the Steward is set in the Court he  
must first enter in writing the title of the Court  
in the beginning of the Court Rolle, with the  
name of the place in such forme as followeth.

*The entry of the Court Leet, and  
Court Baron.*

**Black-  
ford.**

**V**isus Franc' pleg' cum curia C.L. generosi Do-  
mini ejusdem ibidem, tenth die Jovis, videlicet,  
viceesimo sexto die Martii, Annis Regni Domini  
nostri Jacobi Dei gratia Anglie, Francie, & Hi-  
bernice Regis, fidei defensoris, &c. secundo, &  
Scotie tricesimo octavo, tenth per A.B. Sene-  
schallum ibidem.

When that is done, the Steward shall cause  
the Bailife which serbeth the Court if it be in a  
Leet, to make proclamations, that is to say three  
Oyes: and if it be in a Court Baron, then  
but one, and after shall say as followeth,



All manner of persons which had warning to appeare here this day to serbe the Kings Justice for his Leet, and the Lord of the manor for his Court now holden: Draw nere, and geve your attendance and every one answer to his name as he shall be called, upon paine and perill that may fall therof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shall cause againe (if it be in May) to be made other thre Dyes. Then after the thre proclamations made, the Steward shall cause the Bailife to say:

If any will be essoined, come in, and you shall be heard.

And in a Court Baron, if any will be essoined, or enter any plaint, come in and you shall be heard: and then the Steward shall say, essoinnes and proffers of suit and plea, thre times, and in the end. Essoinnes for this day.

Then if there be any person that hath any lawfull impediment that he cannot bee here as he is bound, let one aske an Escoine for him, (the Court sitting) to save his default.

And then the Steward shall enter the Escoine in the Court Rolle, in this manner:

## Court Leet,

The manner of entering the  
Essoines.

**A**. B. per C. D. essonatur de hi: & sic de  
aliis.

Take also if there be any Tenant in the  
Manor that hath any action, or cause of action,  
whence the last Court day: Let him put  
in his plaint, the Court sitting, and it shall be  
entered.

Take also if there be any precepts, Attach-  
ments, or distresses hanging in the Court  
Rolls, enquire of them openly in the Court,  
and know if the Bailife have served them.

Also if there be any old plaints hanging in  
the Court Roll before this Court holden cause  
the parties to be called, and before the enquest  
be charged, know if the plaint shall passe by the  
homage.

That done, the enquest shall be impanelled:  
Then bid the foreman lay his hand upon the  
booke, and swear him in forme following.

The oath of the Foreman.

Cause the Bailife to hold the booke unto the par-  
tie or parties sworne, but the Steward shall give  
the Oath,

You

**Y**ou shall diligently inquire, and true presentment make of all such things as you shall be charged with, concerning as well the Kings Majesties in Next, as the Lords Court of the Manor: You shall well and truly keepe \* the Kings Counsell, your fellowes and your owne: you shall not conceale nor hide any thing for fear, feare, promise, nor affection you beare to any person or persons, or present any thing for hatred, or malice you beare to any man: but you shall present and tell the truth the whole truth, and nothing but the truth, so helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

After the foreman is sworn by himselfe, cause thise or foure of th'enquest to lay their right hands together on the booke, and give their oath as followeth.

\* If the Court Baron be kept by it selfe, there shall be omitted in this oath these words, The Kings Counsell, for that is not the Kings Court, but the Lect is.

The oath of the rest of the Jurie.

**A**ll such oath as A. B. hath made before you on this behalfe, you, and every of you shall well and truly keepe on your behalves: so helpe you God, and by the contents of this booke.

And then cause every one that is sworn, to kisse the booke.

And so in like manner swear the rest.

3 4

After

## Court Leet,

After they bee sworne, cause the Ballife to number them that be sworne, as the Steward doth reade them.

The Proclamation after the Oath taken.

**T**hen make Proclamation, and say thus: All you that are here sworne, draw neere and heare your charge, and all the rest keepe silent, upon paine and perill that shall come thereof. Befoze the charge, gather the common fine, which the Tenants doe pay every Leet, according to the custome of the Manor.

The exhortation to be given unto the Jurie before the charge, to consider their oath.

**M**asters, the charge which you have promised by your Oathes to observe, toucheth and concerneth divers good lawes and statutes made for the whole commonweale of this realme, and also for the private wealth of every of you, which matters the Lord of this Franchise considering, and wishing your wealth and quiettude, wishing also good orders to be observed and kept among you, and that right and equity might be ministered to every  
of

of you, hath caused therefore the Kings majesties **Ket** and his Court to bee summoned and kept here at this day: I will therefore by your favor, befoze I enter into the matters of your charge, declare unto you by what authority you are brought hither, and wherein you are bound to serve.

One cause is, for that the Kings Majesty, and his noble Progenitours have given and graunted unto the Lord of this Mannour, a strength and power to keepe a **Ket** or Lawday at two times in the yeare, at which **Kets** or Lawday, all the Headboroughs, Tithingmen and Deciners, & all other persons which be resident or dwelling within this **Kete**, being of the age of twelue yeares or above, are bound by the law of this Realme to appeare: for that there they may heare the lawes & statutes opened and declared, that thereby they may know and avoid the danger of the same: and further to enquire of the breakers of the same, and present them, that such offenders might be punished.

The other cause or authority is, for that you be the Lords Tenants, and are bound by reason of your Tenure to appeare at the Lord his Court Baron, when it shall happen to be kept according to the Law, that is to say, at every thre weekes end, and being  
here

## Court Leet,

here by these two authorities, you are bound  
to serbe in all such things as you are lawfully  
and lawfully charged withall, as well concern-  
ing the Kings Majesties Leet, as the Lordes  
Court Baron.

And thus you have heard in brieft the causes  
wherby you are bound to come to this Leet and  
Court Baron.

Also to the intent that this your oath which  
you have taken, may be the better knowne. I  
thinke it good by your patience somewhat to  
say concerning the same.

First, in swearing, three things chiefly ought  
to be considered: The first is, that you swear  
truly, that is, you must seclude all favour and  
affection to the parties, not fearing the rich,  
nor pittying the poore, nor considering the  
simplicity of any person, nor the smallness  
of the offence, but having the truth onely be-  
fore your eyes, for love thereof say and speak  
that which you know to be true, and no further.  
The second is, you must swear in righteous-  
ness, that is, for the very zeale and desire you  
have in declaring of the truth, for the execu-  
ting of Justice, for the observing of com-  
mands, honest promises. Oathes, lawes, and  
good customes: and having a respect in doing  
and performing these things, you doe that  
which is to the glory of God, the honor of the  
King,

King, the preservation of the people and common-weale : and this manner of swearing is commanded of Almighty God in Deuteronomie, saying, Thou shalt feare thy Lord thy God, and serve him, and shalt swear by his name. That is, We must serve God onely, feare him, and confesse his holy name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commanded, but the same conditionally, which is, we must swear in truth, in judgment, and in righteousness, &c.

Thirdly, in swearing and taking an oath, you must doe it with judgement, not rashly, nor unadvisedly, but soberly, considering what an oath is : and to put you in mind thereof, I will in few words declare what an oath is. An oath is the calling or taking to witnesse of God his name to confirme the truth of that we say. And Saint Paul saith, An oath for confirmation, is among men an end of all strife. For in doubtfull and obscure matters, where the knowledge of men faileth, we flie unto God, that he which is the onely truth, may give testimony unto the truth, and he which bleth God for a witnesse, doth also call for revenge of perjurie at his hands, if hee deceibe and speake not the truth : Also in laying your hands upon the booke, you doe swear, truly to enquire

## Court Lect,

inquire and make a true presentment of those things wherewith you be charged, and not to let from saying the truth, and doing truly, for favour, fear, love, or malice of any person: you must consider, that in the same Booke is contained God his everlasting Truth and most holy word, whereby wee have remission and forgiveness of our sinnes, and everlasting life. Also in the Gospell Booke is contained God his plagues and threats to obstinate sinners, perjured men, false witness bearers, condemners of innocent and guiltlesse persons, so that if willingly you forswear your selves, you utterly forsake God, his Mercy and Truth, the merits of our Saviour Christ, his nativity, life, passion, death, resurrection, and ascension, the joyes of Heaven, and everlasting life, betaking your selves to the Devil, the author of all lyes, perjury and deceit: and by forswearing, and forsaking the truth you doe forsake Christ, the light and truth it selfe. And although that perjury doe escape sometimes unpunished, and unpunished, & be kept secret between some of you and others, yet your hearts will judge and repute one another false, and be suspicious of each others doings: but God being faithfull, he will not deny himselfe: & therefore he will not suffer the profanation of his name to be unpunished: also at the last day, when the

secrets

secrets  
the tr  
cuse p  
justly  
damn  
by hi  
wher  
may  
that  
or in  
full a  
liber  
hon  
test  
in n  
I  
in l  
con  
no  
tic



secrets of all mens hearts shall be opened, then the truth and your owne consciences shall accuse you, and Christ the righteous Judge shall justly condemne you to everlasting death and damnation. For this sinne of perjury God by his Prophet hath threatned to punish. Malachi. Wherefore lett us pray unto God that we may use such oathes as be godly and lawfull, that is, that we sweare not rashly, in trifles, or in matters of no weight, but when it is needfull and necessary onely: also that we doe consider the end. that our oathes may serue to the honour of God, and to the bounding out and testifying of a truth. And thus having put you in minds of your duties and oathes, the which I trust you will diligently weigh and consider in the performing and doing of the same, to the comfort of your consciences: I will proceed no further herein; but declare unto you the articles of your charge.

The charge of Court Leet.

**Y**ou must understand, that high Treasons, petty Treasons, and felonies, which are against the Crowne and dignity, are to be enquired of, and presented in Court Leet, but not punishable there.

2 The which offences ought to bee set downe

## Court Lect,

downe in writing, and indented, the one part to remaine with the Steward, the other with the Jury, and the same must bee delivered to the Justices of the Billes at the next Gaole delibery holden within the Countrey. See Stamford in his Plees of the Crowne, lib. 2. cap. 24. fol. 85, 86, & 87. And Mr. Lambert in his Justice of peace. lib. 4. cap. 6.

✓ 3 First you shall enquire of high Treason, as if there bee any among you which doe compasse, imagine, or intend the death of our Sovereigne Lord the King, and doe utter the same words by writing, or by any other open act: or if any goe about to make war against him: or if any be adherent to any of his enemies.

1 4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifieth the monney of this Realme, or the coynes of any other realme which is enabled to bee current within this Realme.

✓ 5 Or if any counterfeiteth any of the Kings Majesties Seales, as the great Seale or stamps, these are high Treasons.

6 Also counterfeiting of the Kings Seale is to take waire printed with the Kings Seale, and to fasten it to a writing not made by the King: these are to be enquired of here as Felonies, and to bee certified as aforesaid.

saith, Rastal, Treason 26. 5. El. 2. cap. 11. pur  
clipping, washing, &c.

7 Also if any kill his master or his mistress: Pety treason.  
or if a Priest, or other religious man kill his  
Ordinary, this is pety Treason, and to be en-  
quired of here as felony, 25. B. 3. ca. 1. Rastal,  
Treason 1.

8 And if any woman kill her Husband, it A woman to  
kill her hus-  
band is pety  
treason,  
Felonies.  
is pety Treason, and it is to be enquired of as  
felony 19 H. 6. fol. 27.

9 Also cutting out of a mans tongue, and  
putting out his eyes of malice, is felony, and  
to be enquired of here.

10 Also murder is, when any of malice pre- Murder.  
pensed or forethought both kill another, felo-  
niously, and it is to be enquired here as blood-  
shed.

11 Also manslaughter as a trespass is here Manslaugh-  
er.  
to be enquired, that is to say. When the place  
is not appointed to fight, but suddeny they  
fight together, and the one killeth the other as  
they meet by chance: also it is to be enquired  
here for bloodshed.

12 Also if one kill another in defending In defend-  
ing himselfe,  
and killing  
by misfor-  
tune.  
himselfe, he shall lose his goods.

13 The same law is where one killeth an-  
other by misfortune, &c. Stamford 15. 3.

14 Also you shall enquire of rape which is, Rape.  
if a man ravish any woman against her will,  
he

## Court Leet,

be the wife, widow, or maid, though she afterwards consent unto it, it is felony. You shall enquire also of their ayders, for they shall be judged rabislers, as well as hee that did the deed, 22.E. 4. fol. 22.

Burglary.

14 Burglars are those which in the time of peace, or in the night time with a felonious intent to rob or kill, doe breake any houses, churches, wals, or gates, and enter into them: this is Burglary, and here to be enquired of, Stamford. fol. 30.b.

Robbery.

15 Robbery is when a man taketh any thing from any other person feloniously, though it were but the value of a peny, this is felony, and to be enquired of.

Burning of  
a house or  
barn.

16 Also the burning of a house feloniously is felony.

17 Also burning of Barnes, adjoyning to a house, in the night, is to be enquired of, 1.H. 7. l.

Robbing of  
Churches.

18 Also robbing of Churches or Chappels, and taking of any ornaments out of the same feloniously, is felony, and to be enquired of.

Rescue.

19 If any rescue any which is taken for felony, that is felony and to be here enquired of.

Taking of  
Doves.

20 Also taking of Doves in a Dove house in the night time with a felonious intent, is felony, and here to be enquired of.

Young  
Pigeons.

21 Also taking of young Pigeons, or young  
Goshawks

Goshawks in their nests, is felony, and here is to be enquired of. and young Goshawks.

22 Also taking of fish feloniously out of ponds, streams, or trunks, here is to be enquired of. But if the same be taken out of a river there is no felony. Taking of fish.

23 Also the taking of tame Deere with a felonious intent, is felony. Taking of tame Deere.

24 The same law is for taking of Signets, Swans marked, Peacocks, and the same is to be enquired of. Signets, Swans, Peacocks.

25 Also if any receive a felon, knowing of the felony which he hath done, this is felony, and here to be enquired of. Receivers.

26 And note that all other felonies which be felonies by the common law, are here to be enquired of.

27 Accessories are enquireable, and that is if one procure or command another to doe a felony, but is not present when he doth it: this procurer or commander is accessory. Accessary.

28 Also accessory after felony is done, is where one receiveth a felon, knowing of the felony. Accessary after felony done.

29 Escape voluntary is where one arresteth another for felony, and after suffereth him to goe whither he will, this is felony, and also to be enquired of. Escape voluntary.

30 Escape negligent, is when one is arrested for. Escape negligent.

## Court Lect,

for felony, and after escapeth against his will that arresteth him. and if he be not freshly pursued and taken before they that doe pursue lose the sight of him, he that should have kept him, or his gaoler, shall lose a grievous fine, and hereof enquire.

Pery Larceny.

31 Pery Larceny is taking of any thing with a felonious intent, under the value of xx. d. as hennes, geese, pigs, or small things out of windows, and those things are to be enquired of.

Escheat.

32 You shall understand that the Lord of whom the land is holden, shall have the lands by Escheat, where their tenants be attainted of Pery Treason or felony, and the King shall have the lands a yeare and a day, and the waste of it, per Magnam Chartam cap. 22.

33 And therefore you must enquire what lands and tenements those persons so offending have, and what goods for the King, except the Lords have felons goods by the King his grant, 9. H. 4. fol. 23.

34 Also you shall understand that those matters in the charge aforesaid, are to be enquired of, and presented as aforesaid, but not punishable here, but they are to be certified by the Steward in sessions as aforesaid, but the rest of the matters of the Charge which  
ensue,

ensus, are enquirable and presentable, and be also punishable here in Leete, but not certified as the other were.

1 Those things which hereunder follow, are to be presented in Leet, and also to be punished there.

2 First you shall enquire if all your Constables, Headboroughs, Deciners, and all other suitours which owe any suit hither, be here, or not, and present all their names that make default.

Constables,  
Head-bo-  
roughs.

Y

3 Also if any have dwelt within the Lordship the space of a yeare and a day, and be of the age of xii years and not sworn to the King to be true and faithfull, this is enquirable.

Of the age  
of xii years.

4 Also you shall enquire if any of the Lord's Villaines be fugitives, and remaine elsewhere out of the Lordship, and be not in the ancient demesne of the King a yeare and a day, present the same.

Villaines.

5 Also you shall enquire if any customes or services, due to his court, be holden back, how, by whom, and in what Bailiffs time the same was, and present the same.

Customes  
and ser-  
vices.

6 Also you shall enquire if any purprestures be made upon the land, wood, or water, with

Purpre-  
stures.

W<sup>th</sup>

blocks,

## Court Leet,

blocks, stakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to say, to the multitude, and not onely to one.

Walls, houses, pales or hedges

7 Also if any walls, houses, pales, or hedges be made or erected to the annoyance of the people, this is to be presented.

High waies, waters, ditches or paths.

8 If any common highwaies, waters, ditches, or paths be turned out of their courses, it is to be enquired of.

Encroachments.

9 Also you shall enquire if any Encroachments be made on the Kings highwayes, or any of the Lords soyle, common, or one neighbour upon another, and present it.

Laystals. Carrion.

10 If any Laystals be made, or any carrion be cast in highwayes, to the annoyance of the people, this is enquirable.

Makefrays.

11 Also if any commonly breaks the peace, as making of frays in disturbance of the people, this is enquirable.

Common Barretors.

12 Also if there be any common barretours in the Lordship, as scolders or brawlers, to the annoiance and disturbance of their neighbours, present their names.

Breakers of pown.

13 Also if any breake the common pown to take a distresse out of the same, present their names.

Outcries against the law.

14 Also if any outcries be made against the law, in disturbance of the people, it is



is to be enquired of.

15 Also if any rescous bee made within the Seigniorie upon the Sherife or his Bailiffs, or upon any of the Kings Officers, in assisting of them to take any person to be arrested, it is to be enquired.

Rescous  
made a-  
gainst the  
Sherife or  
his Officers.

16 You shall enquire, if any Evesdropers which stand under Walls or Windows, by night or day, to heare tales, and to carry them to others, to make strife and debate betwene their neighbours, present their names.

Evesdrop-  
pers.

17 Also if there be any common breakers of hedges, present their names.

Breakers of  
hedges.

18 Also if any keepe and maintaine any Bawdrie in their houses, it is cause of breaking the peace, and it is a vice that corrupteth the common weale, and for that cause it is here to be enquired of.

Keepers of  
Bawdrie.

19 Also if there bee any vagabonds, or those which walke by night and sleepe in the day.

Vagabonds.

20 Also if there bee any that bee common haunters of Tavernes or Ale-houses, being not sufficient to live upon, they are to be enquired of.

Hunters of  
Tavernes or  
Ale-houses.

21 Also if any gos in message for theeves, it is to be enquired of.

To be of  
message for  
theeves.

22 Also you shall enquire if any person have watered any heimp or dar in any river, run-

For corrup-  
ting the wa-  
ters.

## Court Leet,

ning water, streame, or brooke, or other common pond where beastes doe use to drinke, they shall forfeit for every time so doing xx s. the one part to the party grieved, or any other which shall sue for the same in the Leete, by action of debt, bill, plaint, or information, or otherwise, and present the offenders.

This offence is not inquirable in the Leete, but may bee punished there, upon the action or information of any against the offenders: for which, see the Statute 33. H. 8. cap. 17. But upon a presentment of a Jurie in the Leete of such an offence the penalty cannot be levied, but the offender may bee amerced there for the annoyance, and the amercement estreated, and so levied.

Falſe  
weights.

23 Also, if any have, and use any measures of bushels, gallons, yard, or elne, or false ballances, or pounds, they are to be enquired of.

Double  
weights.

24 Also if any use double pounds, or measures, that is to say, one little or small weight to sell by, and a greater to buy with, in deceiving the people, the same is to be enquired of.

Miſe of  
bread and  
ale.

25 You shall also enquire of the Miſe of bread and ale, that the same be kept, that is to say, that every one sell according unto the rate and price of grain, and that the same be made wholesome for man, and herof enquire.

26 Also

26 Also if triplers sell by cups or dishes, or measures unsealed and not sealed, it is enquirable. Tiplers

27 Also if Butchers, Fishmongers, or other victuallers sell any corrupt victuall, not whole some for mans body, it is enquirable: also that all other that sell victuall, if they sell the same at a reasonable price, and not to bee excessive, having regard to the prices how victualls bee sold in places nere thereabouts, and hee that is convicted, shall pay double that he hath received to the party dammified, and the same to be enquired of. Butchers and all victuallers doe sell wholesome meat at a reasonable price.

28 Also that hostlers doe not sell hay, nor oates but at reasonable prizes, and that they doe not take for the bushell, but an halfe peny over the common price in the market, and that they take nothing for the litter, and this is enquirable. Hostler for selling his hay and oars.

29 An Inkeeper may bake his bread for hisles in his house in any thorough fare towne which is no city where no common Bakers dwell, and if hee bake and not make the same according to the prices of graine, it is to be punished in Leet. Inkeeper may bake his bread

30 Also if any Inkeeper or other person, harbour any suspected persons, perceiving them to bee of evil behaviour, it is to be enquired of. Harbouring any suspected person.

## Court Leet,

Millers.

31 Also if Millers take an excessive toll, it is to be enquired of : and he ought to take for toll but the twenty or the four and twenty graine according unto the custome, and according unto the strength of the water.

32 Also if the Miller within the Lordship change the grates which he hath ground, it is enquirable.

Artificers.

33 Also it is to be enquired, if all the artificers do make good worke as they ought : and if any make deceit in the same in deceiving of the people, you ought to present their names.

Misdemeanor of Officers.

34 Also if any Constable, Ale-taster, Bathfe, or any other Officers within this Lordship, have well and truly done their office or no, it is to be enquired of.

Purveyor.

35 Also no Purveyor shall make any purveyance for the Kings house, of any thing to the value of forty shillings, or under, except he make ready payment to the party, upon paine of losing his Office, and to pay the value to the party grieved : and if hee doe the contrary, if the Steward or Cything man, upon complaint to them make no resistance to the Purveyor, they shall forfeit to the party grieved, the value of the thing taken, and double damages, and this is the misdemeanour of these Officers, and those misdemeanours,  
AND

and of all other such Officers, are enquirable.

36 Also the Constable ought to see the Peace and watch to be observed as it ought. Peace and watch. ✓

37 If any treasure be found that is to say, Treasure found. Treasure found. ✓  
put in the earth, and no man knoweth who hid the same, this is the Kings, except the lord have the same by speciall words, or by prescription.

38 If any estrayes be, they are enquirable, Estrayes. ✓  
and that is, if any horse, pigges, hogs, cattell, or swannes, which have come into his Lordship, and have bene there a yeare and a day, and not claimed, then the Lord may have the property of the same by prescription, but the same ought first to be impounded in an open pound, proclaimed in thre markets next adjoining, and if none claime them, then they shall be killed, and ought to be put into some severall land, and not in any covert or wood where the owner cannot finde them, for if they be in covert the property is not changed, though they be there a yeare and a day.

39 Also you shall enquire whether any Waife. Waife. ✓  
Theefe upon hie and cry, or other wise, doth swaibe his goods, that is to say, doth leade or forsake his goods, or any partell of them, which he hath stolne, by reason whereof the King is seized thereof, or the Lord by the grant of the King,

## Court Lect,

King, such goods are called waives, and therefore present the same: also if any Officer seise upon any theives goods, though there be no pursuit made, in these cases, the King or the Lord by grant or prescription shall have these goods, &c.

He that flyeth.

40 If any flye, that is to say, if any be found by indictment guilty of murder before the Coroner, or if he be indicted of felony, and acquitted and found that he flyeth, then hee shall forfeit his goods to the king, and the Lord may have them by Charter, and not by prescription, and this is enquirable.

Horse or Mare scabbed.

41 If any horse or mare be put upon a waite ground, and be scabbed, or having an infectious disease, hee shall forfeit to the Lord of the Let ten shillings, and this is enquirable.

Exigent.

42 If any exigent be awarded against one indicted of felony, by the keeping of his goods, they are forfeit, though after he be acquitted of felony, and the King shall have his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquirable.

Outlawed.

43 If any be outlawed in debt, trespass, or other personall action, his goods be forfeited, and the King shall have them, and not the Lord, except it be by Charter, and not by prescription, and this is enquirable.

Common fine.

44 Also you shall enquire if the common fine have

have been here to be payed according to the custome, and whether the same be gathered according unto the usage. This is commonly gathered by the Head-borough.

45 Note that every one that hath blew of free pledges, ought to have Shilloy and Cumbyell to do Justice: Also in every Town where there is a Rect there shall be Stocks, and for default thereof the towne shall forfeit five pounds, and the same is enquirable.

46 Also you shall enquire whether any have used in any of their garments blebet, latten, damaske, tassata, sarcener, chamlet, or any fur, as skins, senets, martins, squirrel, fox, gray, cony, hare, or other fures growing within this land, or gold, or silver, in or upon any of their garments, otherwile then the statutes made in the 14. yeare. H. 8. and 1. and 2. of Ph. and Mary doe allow, you shall present the offenders.

47 Also you shall enquire whether any baker, brewer, butcher, cooke, tipler, &c. doe take excessive gaine or no: also whether they conspire, covenant, promise, or make any oath not to sell victuall but at a certaine price, and present the same.

48 Also you shall enquire if any artificers, workmen, or labourers, have conspired, promised, or made any oathes, that they will not make,

## Court Leet,

make or doe their workes but at certayne places, and not to finish that which another hath begun, or would doe but certayne worke in a day, present them, for they shall forfeit certayne penalties, 24. H. 8. ca. 12.

Archers.

49 And you shall enquire if any man being the Kings Subject, not lame or maimed, nor having any lawfull impediment, being within the age of threescore yeares, except Spirituall men and Justices, doe use and exercise shooting in long Bowes, and whether the fathers and mothers of such as be under xviij. yeares, do bring up their children in the knowledge of shooting: and whether every manchild of seven yeares and upward, have a bow and two shafts: if they have not, their governors shall forfeit certayne penalties: present thereto such offenders.

Buts.

50 Also you shall enquire if the Buttes be made and continued, and if your Butts be not made or continued, yee shall forfeit for every three months for default thereof xv. s.

Tanners,  
Curriers,  
and tanned  
Leather.

51 Also you shall enquire if any Tanner have offered to be sold any hide of Bull, Ox, Steers or Cow, gashed or cut, he shall forfeit for every one twelve pence.

Curriers.

52 Also no Currier ought to curry any Leather in a Shoemakers house: and none ought to curry any Leather still tanned.

53 Also



53 Also you shall enquire if there bee any Crow nests if there be not, the Lord shall have the moiety of ten shillings, which shall be forfeited by the parish or towne for not having the same. Also if they destroy not the Crow nests when they begin to breed, they shall be amerced.

Crow nests  
and Crow  
nests.

X

54 Also you shall enquire if any person by any meanes have taken and killed any young brood, Spawne, or fry of Salmon, Eeles, Pikes, or any other fish, in any streame, river, brooke, floodgate, or in the tail of any Mill, and present the offenders. And further, when any person hath taken in any of the places aforesaid, any Salmon or Trout out of season, or any Pike or Pickrel, not being in length ten inches, or any Barbell not being in length twelve inches, or any Salmon nor Arcton inches, or Trout not eight inches long: If any have done so, they shall forfeit certaine penalties.

For the taking and killing of fish.

55 Also you shall inquire if any breake by day or night, the head or damme of any pond, poole, or moate, within which the Lord hath fish, to the intent to scatter, Reale, or destroy the fish, hee shall pay to the Lord treble damages, and shall be imprisoned three moneths, and after finde sureties for seven years of his good behaving.

Breaking the head of any pond.

X

## Court Leet,

Hunting of  
Deere.

56 Also you shall enquire if any doe hunt  
Deere out of the Lord's ground, or kill any of  
his Deere, and present them.

Unlawfull  
games.

57 Also you shall enquire if any person doe  
keepe or maintaine any common house, allep,  
or place of bowling, quoutes, cailes, tennis,  
dicing, tables, or carding, or any other un-  
lawfull games, and present them: if they doe,  
they shall forfeit certaine penalties: also you  
shall enquire if any person doe haunt the said  
houses and places: and further, you shall en-  
quire if your Constables and other Officers  
doe make true search in such places which be  
suspected to be frequented with any unlawfull  
games, yea or no, if they doe not, they shall for-  
feit certaine penalties, you shall therefore pre-  
sent such offenders, 33. H. 8. cap. 9.

Horses.

58 No stoned horse being of the age of ij.  
yeares, except he bee fourterne handfols high  
shall be put to pasture in any common, forest,  
or chase, upon paine of forfeiting of the same  
horse: also the said grounds ought to be yearly  
visited at Michaelmas by the Lord, Try-  
thingman, Constable, &c. or within 15 dayes  
after, upon paine of xl. s. and if upon the same  
visiting there be found any mare, foale, or geld-  
ing, not likely to be able to beare teales, or to  
doe profitable service, the same shall bee slaine  
and buried, 31. H. 8. cap. 13.

59 Also

59 Also you shall enquire if the inhabitants Hue and  
after robberies and felonies committed, doe cry.  
make fresh suit from towne to towne, or from  
county to county, or from hundred to hundred,  
according to the Statute of Winchest. 13. E.  
1. cap. 2. For if a man bee robbed in the day  
time and the theefe escape, and is not taken  
within forty dayes after the robbery, for lacke  
of hue and cry, the bozough or hundred shall  
answer to the party all his goods and damma-  
ges: also if any person be killed in a towne in  
the day time, and the murderer or manslayer  
escape, not taken or arrested by those of the  
towne, then the township shall be amerced,  
18. Ed. 2.

60 Also you shall enquire if your Constables For the  
and Churchwardens have appointed a mending of  
ny surveyor for the mending of High wayes, highwayen  
leading to market townes, or no, and if any  
chosen refuse the same office, he shall pay xx s.  
also you shall enquire whether the same sur-  
veyors have taken upon them the said office,  
and put the same in execution: and whether  
the parishioners have done their duties, and  
present all those that have offended contrary  
to the same Statute, for the offenders shall for-  
feit certaine penalties.

61 Also you shall enquire if the ditches bee  
scoured, and bushes cut, according to the sta-  
tute

## Court Lect,

Scouring of fute made in the first yeare of M. Elizabeth,  
ditches, and for not doing of the same, they shall forfeit ten  
cutting of **hedges.**

**Nota.**

For water-  
ing hempe  
or flax.

**Musters.**

**Riots.**

62 The moiety of all the forfeitures for  
these Statutes, the Church-wardens shall  
have to bestow upon the highways.

63 Also you shall enquire if any persons have  
watered any hempe or flax in any river, run-  
ning water, stream, or brooke, or other com-  
mon pond where beasts doe use to drinke,  
they shall forfeit for every time so doing xx. s.  
the one part to the party grieved, or any other  
which will sue for the same; and the Statute  
33. H. 8. cap. 17. doth give a remedy to sue  
for the same in Lawe, by action of debt, bill,  
plaint, or information, or otherwise.

64 Also you shall enquire whether any re-  
fuse to come to musters before any person au-  
thorised to take the same, hee shall be impriso-  
ned for ten dayes, except he pay to the King xl.  
s. & if any persons appointed to take musters,  
receiue any money to release any appointed to  
serue, he shall forfeit ten times so much as that  
he receiued, 4. & 5. R. & M. ca. 3.

65 If any persons to the number of xii.  
make an unlawfull assembly, for to breake any  
banes, Inclosures, Parkes, Fish-ponds,  
barnes, houses, and such like, and Proclama-  
tions to be made by the Sheriffe or Iustice of  
Peace

Peace that they depart, and notwithstanding they remaine together an houre after Proclamacion made, every such attempt is felonie: also every Coptholder being a peoman, husbandman, or labourer, of the age of eightene yeres, and under threescore, not sick, nor having a reasonable excuse, and being required by the Justice, Sheriffe, &c. to apprehend those persons aforesaid, and refuse, shall forfeite his estate during his life, and his Lord may enter: also the former being a peoman, &c. refusing, is in the same case to the Landlord: also it is felonie if any person without compulsion, bring, send, or deliver any money, barrell, artillery, weapons, or victuals, to any person assembled in such manner. Also the Justice of peace or other officer may raise a power to suppress them: and if any Officer kill any such rebellious persons, or maim them, they shall be free: and if any person knowe of any such pretended rebellion, and doe not openly declare the same within twenty houres next after such knowledge, he shall be imprisoned for three months without baile or mainprise, if he be not discharged by a Justice of Peace: and also he that letteth or hindereth Proclamacion that the same be not made, committeth felonie.

2. Anno quinto Eliz. cap. 1. If any extor-

## Court Leet,

Of the King  
and assu-  
rance of his  
power.

Tracing of  
hares.

Licences for  
Wine.

or let forth the anthozitie of the Bishop of Rome against the forme of this estatute, he shall incurre the danger of a Premunire, and this Estatute is to be declared in Leet.

48 None may trace, destroy, or kill a Le-  
veret in the snow with a dog, or otherwise, and  
he that doth it shall forfeit six shillings eight  
pence, 13. H. 8. cap. 11.

69 Also you shall enquire if those persons  
which doe sell wines bee thereunto licenced,  
according unto the statute made in the eithe  
years of Ed. 6. &c upon a grievous paine and  
forfeiture, and for every day occupying or sel-  
ling of wine without licences. Also you shall  
enquire how many there are licenced, and pre-  
sent them. Of this and a lother matters and  
defaults you shall diligently enquire and make  
a true presentment.

Then, after the charge is given, the Steward shall  
command the Crier to make Proclamation, and  
after proclamation made three times, the Stew-  
ard shall say :

If any can informe the Steward, or his  
inquest of any petit treason, felonie, petit  
larceny, purpresture, breaking of pounds,  
or of Relscons, or of any other thing done  
against the peace, or of any person of evil beha-  
vour

blour within the Leet, or of any artificer that both make deceit, or of any other misdemeanour of any officer or other person here, or of any waife or trap, treasure found, or of any other thing here to be enquired of, come in, and you shall be heard.

Then if any come in, hee shall be sworne to give evidence to the Jurie. And after that the Steward shall say to the enquest :

**G**o you together, and enquire of the matters of your charge, and when you be agreed I shall be ready to take your verdict.

An addition of divers other matters enquirable in Leets, not mentioned in the former edition.

**I** **I** is lawfull to all Stewards and Bailiffs in their severall Leets and Lawdayes, to enquire, heare, and determine every offence committed contrarie to the tenour of the Statute made 33. H. 8. concerning crossbows and hand-gunnies, so that alwaies no lesse fine that x. l. be assessed upon every such presentment and conviction; the one moiety of every such fine to be levied to the use of the King, and the halfe of the other moiety to the

Crossebows  
and hand-  
guns.

## Court Leet,

the owner of the **Leet** or **Lawday** by distress, or action of debt, and the other halfe of the said moneie to be to the parties that will pursue for the same in any of the **Queenes Courts** by action, information, &c. wherein no matter of law, eskoine, protection, &c.

2 And if any **Jurie** sworn and charged to enquire for the **King**, of any offences committed contrary to the said Statute, doe wilfully conceal any of the said offences: then the **Stewards** or **Bailiffes** before whom any concealment shall bee had, have authoritie to charge and sweare another **Jurie** of twelve or more, to enquire of such concealment: and if such concealment bee found and presented by the said **Jurie**, then everie of the first **Jurie** shall forfeit for every such concealment of every offence twenty shillings, the moitie to be levied to the owner of the **Leet** or **Lawday** by distress, or action of debt, and the other to the Informer, to bee recovered by Action, Information, &c. wherein no Wager of Law, Eskoine, Protection, &c.

3 But if the presentment or suite for any of the said forfeitures bee not commenced within one halfe yere next after the offence committed, then the offendour shall be thereof clearly discharged, 33. H. 8. 16.

4 **Words**



4. Lords in Leets, and their Stewards, within the precinct of their Leets, have authority to enquire and take presentment by the oath of Jurors, of all and every offence and offences committed contrary to the Statute 31. Eliz. touching the erecting and maintaining of Cottages and Inmates, and upon presentment made to leby by distress to the use of the Lord of the Leet all such summes of money as shall be forfeited by the Statute of 31. Eliz. cap. 7.

New Cot-  
tages.  
Inmates

5 The Steward in every Leet shall have full power and authority to enquire, hear, and determine, as well by presentment of twelve men, as by accusation or information of two honest witnesses, of, for, and upon all and every the offences and forfeitures committed contrary to the Statute provided, 2. Edw. 6. for the true making of Malt, as well for the King, as for the party that shall sue, procure, or cause the same to be presented, 16. Ed. 2. 35. Eliz. 7.

Malt.

6 Stewards of Leets, Liberties, and Law-days within their severall jurisdictions shall and may hear, enquire, and determine of all and every offence and offences which shall bee committed within the precinct of their Liberties, Jurisdictions, or Franchises against the tenor of the act made,

## Court Leet,

An. 23. Eliz. 6. for the preservation of tenants and partridges, 23. Eliz. 10.

Horse  
bread.

7 Stewards in their Leets and Law-days, have authority to hear and determine every default and offence of Hostlers or Inholders making horse bread not sufficient, lawfull, and of due assise, according to the price of Coyne, committed within the limits of their jurisdiction, contrarie to the Statute in that case provided, 32. Henric. 8. 41.

With,

8. The Lord of every Leet hath authority to enquire of all the offences committed contrarie to the purport and forme of the Statute provided (1. Eliz.) for the preservation of spawne and frise of fish, within the precinct of the said Leet, such enquiry to be had in manner and sort as common amerciaments or other things enquirable in Leets have bene lawfully used to be made, and upon every such presentment had in any Leet Court by the oath of twelve men, of any offence made contrary to the said Statute, all forfeitures appointed for such offence, shall be unto the Lord of the said Leet, and shall be levied as amerciaments for crimes committed within the precinct of such Leet, have bene used to be levied. And if the Steward of a Leet or some other for him doe not charge the Jurie  
sworne

sworn  
done  
cern  
hepp  
rell,  
full  
and  
offen  
for t  
9  
char  
ly co  
of th  
or W  
ther  
such  
of t  
to t  
I  
and  
eve  
clat  
qu  
ces  
hav  
enj  
not

sworne in every Leet to enquire of all offences done within the precinct of the same Leet concerning the killing of Spawne or Frie of Ash, kepper, Medder, or salmon or trout, pickrell, salmon, trout or barbel, being not of lawfull length: and concerning the maul of nets, and other engines, he shall forfeit for every offence, xl.s. to the King, and him that will sue for the same.

9 Also if any Jury sworne in a Leet, having charge to enquire of the premises, doe willingly conceal and make default in presentment of the offence and offenders, then the Steward or Bailiffe, or their deputy, may impanell another Jury within the same Leet to enquire of such concealment, which being found, every of the Jurors so concealing shall forfeit xx. s. to the Lord of the Leet for every offence.

10 Giving alwaies to all and every person and persons, bodies politick and corporate and every of them, all such right, title, interest, claime, priviledge, and conservation, and enquiry, and punishment, of and for any the offences aforesaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy by any manner of meanes, any thing, &c. notwithstanding, 1. Eliz. 17. 35. Eliz. 7.

Finis de le charge de Court Leet.

C 4

THE

\*\*\*\*\*

# THE ORDER OF keeping Court Baron.

The Aile of the Court.

Overfey



*Uria Baronis M. Libi-  
dem tensa die Martis,  
videlicet decimo quar-  
to die Iunii, anno regni  
Caroli, Dei gratie*

*Anglia, Scotia, Francia, & Hibernia Re-  
gis, fidei defensoris, &c. duodecimo.*

After the title of the Court entred, you shall  
cause the Bailiffe to cry once Oyes, and then  
call the Jurors.

*Exem.* { John Doe,  
Richard Roe,  
Iohn Den,  
Richard Pen,  
Wal. Halles,  
Robert Allen.

*Jurators.* { Rob. Dodge,  
Tho. Lodge,  
Adam Clarke,  
David Parke,  
Henry Lee,  
William Croe.

*Homage.*

After the Jury is called, the Bailiffe shall  
cry another Oyes, and then the Steward  
shall say,

If any will be assoined or enter any plaint,  
come in, and you shall be heard.

The Ooines be set before the homage, in  
St. Kitchins Walk, and better then here, for first  
shoul

should the Iptors be called, and their appearance, defaults, or essoines be recorded, before it can be knowne who did appeare to make the damage.

And after the Esoines be entered, and your plaints and ples thereto made, then impanel the Jury and swear them.

After the enquest is impanelled and sworne, make another Oyes, and say, You good men which be of the Jury, come nere, and you and all other keepe silence during your charge.

#### An Exhortation to the Jury.

**M**y masters, you that be sworne, before I give you charge in this Court Baron, I thinke it good to declare unto you by what authority you are commanded to be here, and for what cause. Chiefly, you are appointed to be here for that you be the Lords Tenants, and are bound by reason thereof to appeare at the Lords Court Baron when it shall be kept, according to the Law, that is to say, at every thre weekes end, being warned, and being by the same authority there, to end and determine injuries, trespasses, debts, and other actions, where the debt or damage is under forty shillings: and also that nothing bee done wile in the Mannor, hurtfull to the inheritance of the

## Court Leet,

the Lord of the Manor, which ought to be enquired and presented for the Lord: and that you be the more diligent and careful in enquiring and presenting the same, I have ministered an oath unto you, which is the calling or taking to witnesse of God his name, to confirme the truth of that you shall say, and present, minding neither fraud nor deceit, but onely the truth, not partill, but seeking the glorie of God, and the profit of your neighbours, and the common-weale of God his people.

### The Charge.

1 **F**irst, you shall enquire of the suitours, which owe any suite to this Court, whether they be here or no and present their names that make default, for they which be absent ought to be present here as well as you, except they have some lawfull impediment to the contrary, for they hold their lands, as well to doe their suite, as to pay their rent, so that if they doe not their suite, they shall be amerced, or the Lord may have good remedie for the same; otherwise you shall understand, that every common suitour is bound by the lawes to appeare at the Lords Court Baron at every three weekes end: notwithstanding, the Lord for your ease (which hee esteemeth more then his owne profit)

The tenants  
are bound  
to appeare  
at every  
three weekes  
end at the  
Lords  
Court Bar-  
on.

fit) suffereth the same to be kept but seldome, as appeareth, for which cause every of the tenants ought the more willingly to come unto his Court at such time as he doth appoint for the same: for if they wilfully absent themselves, then they render evil for good, and besides that they incur the danger of perjury, for when they did their fealty they were sworn to be true Tenant unto their Lord, and to pay and doe all manner of suits, customs and services due for their Tenements, at their day assigned: and therefore let every man remember his oath and duty, and doe his suits and services, according to the same, or else he shall fall into the danger aforesaid.

2 Next you shall enquire whether there be any Tenant dead sithence the last Court day or before, whose death as yet is not presented, and you shall present the same: also what lands

What Tenants are dead since the last Court.

and Tenements he held of this Lordship at the time of his death, and by what services, that is to say, whether it were by Knights service, Socage Tenure, or Copyhold, and what advantage the Lord shall have by his death, as

What land he holdeth, and by what service.

ward, Marriage, Reliefe, Escheat, Fine, Warrlot, &c. And who is his next heire, and what age he is of, and in whose keeping, and present it. You shall understand there be divers manner of Tenures, but most men doe hold by

Also who is next heire.

**Knights**

## Court Lect,

**Knights service, or Socage tenure.**

Knights service, what it is.

3 **Knights service** is when the Tenant holdeth of the Lord by Escuage, that is to say, by the service of the shield: also to hold by castle gard, that is to say, to keep a Castle, or Tower, or house, or other place of his Lords, upon reasonable warning, when the Lord heareth that enemies doe come into England, that is **Knights service**.

Homage, fealty, and Escuage, Knights service.

Knights service is done by the body of man.

Knights service draweth unto it ward, marriage, and reliefe.

4 Also he that holdeth by homage, fealty, and escuage, holdeth by **Knights service**: also he which holdeth of his Lord to blow an horne to warne the men of that country when enemies doe come into England, holdeth by **Knights service**: and **Knights service** ought alwayes to be done by the body of a man, and that service draweth unto it ward, marriage, and reliefe: for when such a tenant dieth seised, and his heire male within age and unmarried, the Lord shall have the land holden of him, and also the marriage of him, untill hee be of full age, that is to say, the age of xxi. yeares. But if such a Tenant dyed seised, his heire female being of the age of fourteens yeares, or more, then the Lord shall neither have the Wardship of the Land, nor yet of her body, for that the law entendeth, that a woman of that age may have an husband able to do **Knights service**: and if she be within the age of 14. yeares  
and

and  
ward  
till  
some  
and  
some  
hold  
ing  
mage  
liefe,  
for, ij.  
pay m  
holls:  
such  
tenem  
5  
which  
ment  
ing  
such  
6  
aliena  
son by  
ward,  
that:  
the wa  
his la  
died so



and unmarried; then the Lord shall have the wardship of her land, and also of her body, until she be of the age of sixteen years. And some such Tenants doe hold by a Knights fee, and some by halfe a fee, and some by moze, and some by lesse: and if such a Tenant dieth which holdeth by one Knights fee, and his heire being of full age, then the Lord shall have homage and fealtie, and also five pound for a reliefe, and of him which holds by half a Knights fee, *ij. l. s.* and he that holdeth by moze shall pay moze, and he that holdeth by lesse shall pay lesse: you shall therefore present whether any such Tenant died seised of any such lands and tenements so holden, yea, or no.

5 Also you shall enquire whether any tenant which held by Knights service, made any feoffment to his heire, and after died, his heire being within age, yea, or no, for notwithstanding such feoffment the heire is to be ward.

6 And whether any such Tenant made any alienation of any such land so holden to any person by collusion, to defeat the Lord of his ward, or other profits, yea, or no, and present that: for in all these cases the Lord shall have the ward and marriage of his heire, and also of his lands, as well as if the said Tenant had died seised of the same land.

*Alienation  
by collusion,  
on, and  
holding by  
Knights  
service,*

*x*

7 Also you shall enquire whether any such Tenant

## Court Leet,

Feoffement  
a son use, the  
land holden  
in knights  
service.

**Tenant** which held by Knights service, did make any will of his lands, or conveyed any of them to his wife or children, or to friends, to pay his debts, which notwithstanding any such will or conveyance the Lord shall have the wardship of his heirs, and custody of the third part of his lands, 34. & 32. H. 8.

Entry for  
condition  
broken.

8. Also you shall enquire whether the heirs of such Tenant, entered into any such lands so holden, for any condition broken, being made by any of his ancestors, and present it.

Entry into  
Religion.

9. Also whether such entry in Religion beyond sea now be not treason, and so the party to forfeit the land to the King.

Disseisin of  
the tenant,  
and death  
before any  
re-entry.

10. Also you shall enquire if the Tenant which held by Knights service was disseised of lands so holden that is to say, put out of them by one which had no rightfull title to the same, and after died before any re-entry, or any lawfull recovery had, and present it; for the Lord shall have the worship of the body of the heirs and of his land, as well as if his Tenant had died thereof seised.

What So-  
cage tenu-  
re is.

11. Socage tenure is, as if the tenant holdeth of the Lord by fealty and certaine rent for all manner of services, or by homage and fealty for all manner of services, or by fealty onely for all manner of services: or to pay a summe of money for escuage, or to pay a cer-  
taine

taine summe of money for Castle Gard : all such Cenures are Cenures in Socage: and all other Cenures which are not Cenures by Knights service, are Cenures in Socage: and where such Tenants die seised of any lands so holden, the Lord of whom the land is so holden, after the death of his Tenant, can have no more profit but onely his fealty and reliefe, that is to say, as much money and service as one yeares rent both amount unto: as if the Tenant held by fealty, and ten shillings rent, the Lord shall have ten shillings for a reliefe, over and besides the ten shillings which hee shall pay for his rent, and in such case after the death of the Tenant, such reliefe is due to the Lord maintenanant or immediately upon his ancestors death. so that the heire be of the full age of xiiii. yeeres, and hee ought not to carrie for his reliefe untill the day of payment of the rent, but hee ought to have his reliefe maintenanant, and for that he may distraine immediately after the death of his Tenant.

Reliefe is as much money as one yeares rent.

12 Also if a Copiholder die sole seised of any lands or Tenements so holden, his heire being of the age of foureteene yeeres, then hee shall pay a fine unto the Lord, and doe fealty and be admitted Tenant: but if the heire be within the age of 14. yeeres, then some Gardin shall be admitted to occupy his Copihold, and to pay

A copiholder dieth.

## Court Lect,

and to doo his service due for the same, that is to say, if Lands descend from the father, then the mother or some of her next kin shall have the occupation of the same lands, untill the heire be of the age of fourteens yeres, and they shall pay a little fine for the guardianship, and the heire at his entrie shall pay the whole fine, you shall enquire thereof and present the same.

13 Also you shall enquire whether any Tenant which held by Socage Tenure, did make any feoffment in fee to his use, and died seised of the use, his heire being within age, and no will by him declared of the use, and present it: for the Lord shall have his re-liefe, as well as if he had died seised of the same lands.

Whether a  
ny Free-  
holder hath  
aliened any  
of his free-  
hold lands.

14 Also you shall enquire whether any freeholder hath aliened or sold away his freehold lands or tenements, or any parcell of them, and present it: for he which hath bought the land, before he enter, ought to come to give notice unto the Lord that he hath bought the same, and so the lord shall know his Tenant, and in case where but part is sold, the service which the former paid unto the Lord, shall be appor-tioned, according unto the value of the lands sold and retained.

15 Also you shall enquire whether any which  
held

held by Herriot service, or Herriot custome, died seised of any Lands or Tenements so holden, and present it, for the Lord shall have of every of their severall parts divers Herriots at their severall deaths: also if one man have two severall parcels of Lands holden by Herriot service, and by two severall titles, and dieth seised of the same, the Lord shall have after his death two Herriots.

Herriot service.  
Herriot custome.

16 Also you shall enquire if any Copiholder die seised of any Lands so holden and present it: Also whether any Copiholder hath made any lease of his Copihold, or otherwise aliened or sold the same, and present it, for it is a forfeiture of his Copihold: for if a Copiholder will alien or sell away his Copihold, he ought to come into the Court and surrender the same into the hands of the Lord, to the use of him which shall have the estate, or else out of the Court he ought to surrender it unto the Bailiffe, or to some of the Tenants of the Lordship, to the use of him which shall have the estate, and they to whom the surrender is made, ought to present the same at the next Court, and then pay his fine for the same, and take it to his use in the Court, and doe his endeavour to be admitted, and if he be not at the same Court, then the Lord shall have the meane profits of the same lands, all the rent.

Whether any Copiholder dieth seised of any such lands.

How a Copiholder ought to surrender his Copihold.

## Court Leet,

servises and reparations being deducted, untill hee be satisfied for his fine, according to his dutie.

Whether any Cop hold-der hath made any surrender.

17 Also you shall enquire if any Coptholder hath made any surrender of his Copthold, or any part thereof sithence the last Court day, or before, and present it: and into whose hands it was made, and in whose presence, or to whose use: for at every surrender the Lord ought to have a fine, and the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, and to payd up and restitue the surrender into the Lords hands, to the use of the almes, according unto the trust reposed in him, or otherwise he forfeiteth his Copthold, except he have a reasonable excuse: for that he doth as much as he may to defeat the Lord of his fine, and also to defeat the other party to whose use the surrender was made. Not. The party that received the surrender hath no right by it

18 Also you shall enquire if any Tenant of the Lordship have given any lands into mortmaine, and present it.

Mortmaine.

19 Mortmaine is if a man give or sell any lands to any house of religion, or to any other which be corporate by the Kings grant: also if one make a feoffment upon trust to the use of an house of Religion, or to the use of

of a Gild or fraternity Corporate, that is Mortmaine.

20 Also if one exchange lands or tenements with an Abbot, or other body Corporate, this is Mortmaine.

21 Also if a man of religion, or other body corporate, doth hold of any man by Knights service, & he release unto him, this is mortmaine, and then the king or lord may enter, and shall have the same by force of the Statute in that behalf made, viz. the next Lord if he enter within a yeare after the alienation, or in the Lords default, the King: you shall therefore present them that have given any lands or tenements in mortmaine, and when the same was done.

A Statute made thereof, that the King or Lord shall have the same.

22 Also you shall enquire whether any tenant for terme of life, or yeares, or any Coptholder of this Lordship hath made any waste, or suffered any waste to be done upon their lands or tenements yea or no.

Waste.

23 Waste is when any Tenant for terme of life, yeares, or any Coptholder pulleth downe any house. or cutterh downe any timber trees, or suffereth the house willingly to fall, being on their Copie Tenements, or if any of the Tenants plow up any medow ground, or if they suffer any Wall or Dale which were covered, to be uncovered, by reason whereof the same Wall or Dale doth fall

What waste is, and how the same is done.

## Court Leet,

in decay, or if any of them digge coales, chalk, or sand, or make any Mines in their grounds, then they make waste. And if any fell a tree to the value of three shillings foure pence, this is admitted waste: But if a man cut downe timber to repayre the old houses which stand upon parcell of the same ground, and there with doth repayre them, then it is not waste; but if hee with the timber build a new house, then the cutting downe of such timber is waste: Or if he cut downe any timber to sell, to repaire such houses which are fallen in decay, such is waste. But if waste be done with a tempest, no tenant shall be punished for such waste: but if waste be done by any danger, the tenant shall be punished for such waste: Also it is no waste to sell in seasonable time such trees as have bene felled within xx. yeares before: but if the Tenant cut downe such trees to burne upon their Tenements, where they have wood sufficient, this is waste. Also a Copholder may not cut downe wood to sell, but he may to burne, upon his Tenement, or to make reparations as aforesaid.

Whether a-  
ny Tenant  
in possession  
died seised  
without any  
heire.

24. Also you shall enquire whether any Tenant in possession or reversion died seised of any Lands or Tenements holden of this Lordship, having no heire at the time of his death, yea or no, and present it, for then the Lord

the  
cu  
ha  
ma  
for  
we  
the  
po  
his  
bu  
inh  
on  
M  
Lo  
lan  
det  
the  
the  
a W  
no  
dye  
suc  
out  
- 2  
wa  
wa  
rig  
ny  
we



Lord shall have the land holden of him by Es-  
cuage. You shall understand, that none shall  
have lands in fee simple as heyre unto any  
man, unlesse he bee heyre of the whole blood:  
for if a man have issue two sonnes by diverse  
women, and dieth seised of the same land, and  
the eldest entred, and dieth without issue, the  
yongest shall not have the land as heyre unto  
his brother, because hee is of the halfe blood,  
but some other heyre of the Fathers side shall  
inherit the same land; and if he have no heyre,  
on the Fathers side, then the next heyre on the  
Mothers side shall not have the land, but the  
Lord of whom the land is holden shall have the  
land by Escheate: and so when land descen-  
deth on the Mothers side, the heire on the Mo-  
thers side shall inherit, and not the heyres of  
the Fathers side. And you shall understand, that  
a Bastard can never bee heyre unto any man,  
nor yet have heyre unto himselfe but his chil-  
dren: therefore if any Bastard die without is-  
sue, or any other Tenant have died seised with-  
out heyres, you shall present it.

A Bastard  
may not  
inherit.

25 Also you shall enquire if any Tenant  
was seised of any Lands or Tenements, and  
was put out of his land by one which had no  
rightfull title, and after ward dyed without a-  
ny heyre, the Lord shall have his Escheate as  
well as if his Tenant had dyed seised.

Whether a-  
ny Tenant  
died being  
put out of  
his lands by  
one which  
had no  
right.

## Court Leet,

**P**er trea-  
son, felonie,  
or murder  
committed  
by any Te-  
nant, for  
which he  
was hanged,  
or had iudg-  
ment to be  
hanged.

**26** Also you shall enquire whether any Tes-  
nant of his Lordship hath committed any pe-  
tie treason, felonies, or murders, for the which  
he was hanged, or for the which he had iudge-  
ment to be hanged, though after ward hee died  
by the act of God, or prayed his Clergie, and  
was allowed it, and delivered to the Ordinary  
before the statute made in the 18. yeare of M.  
Elizabeths reigne, or else since that Statute  
was burned in the hand, and delivered out of  
prison according to the Statute, for by that  
iudgement he was attainted and the Lord en-  
tereth to the Escheat of his lands, and therfore  
if any such be, present it. And whether any te-  
nant hath committed any petie treason, felo-  
nie or murder, for the which hee hath abjured  
the land, or for the which he was outlawed, or  
for the which he was beheaded, or for the which  
hee was overcome by wager of battell upon  
an appeal, or in the combat put to death, and  
present it: for in all these cases the Lord of  
whom the lands are holden, shall have the  
lands by Escheat, and also the Evidences con-  
cerning the same.

**27** Also you shall enquire if there bee any  
rents, customes, or serbices withdrawne from  
the Lordship, which of right ought to be done,  
and present it: and what rents, customes, and  
serbices they are, and by whom they are with-  
drawne,

**Whether**  
there be any  
rents lost, or  
serbices  
withdrawne.

Draw  
they  
the  
ges  
2  
pih  
uph  
no,  
that  
fir  
con  
men  
sult  
Sgu  
did  
ston  
rem  
ges  
tran  
2  
this  
Te  
sam  
any  
Lo  
yea  
30  
or  
wh

drawne, and where the land lieth out of which they be due, and who holdeth the same, that the Lord may have his remedie for the arrerages thereof.

28 Also you shall enquire whether the Coptholders or the farmers of this Lordship doe uphold and repaire their Tenements, yea or no, and present the same: you shall understand that every Tenant is bound to three things: first, that he be true Tenant to his Lord: secondly, that he sufficiently repaire his Tenements: and thirdly, that he pay and doe all suits, customes, and services at his dayes assigned: for he took upon him so to doe when he did his fealty, and if he doe not pay his suits, customes, and services, the Lord shall have good remedy, and recover the same with his damages: and if he be a Coptholder, and doe the contrarye, he doth forfeit his Copthold.

Whether the Tenants do uphold or repaire their Tenements.

29 Also you shall enquire if any Tenant of this Lordship which is bound by reason of his Tenure to doe suit unto the Lords Mill, do the same, yea or no, and present it: and whether any have used to withdraw their suit from the Lords Mill, in not grinding their corne there, yea or no, and present it.

Whether any Tenant have withdrawne his service.

30 Also you shall enquire whether any Waife or Stray is or was within this Lordship, and whether the Lord bee answered of the same,

Waife and Stray.

## Court Leet,

yes or no : if not, present by whom they are conveyed away : also you shall enquire if any Herriot be conveyed away, yes or no, and present it, and by whom.

What a waif  
is.

31 **A Waife is**, if a Thiefe upon huy and cry and pursuite after him, or otherwise to ease himselfe of his carriage, without huy and cry doth waife his goods, that is to say, doth leave and forsake his goods which he hath stolne, or any parcell of them, by reason whereof the King or any other Lord or officer in his right or in his own right do seise the goods : in those cases the goods so seised are called waifes : and the same law is, if any officer take any goods of a Thiefe, suspecting that he hath stolne them, shon there be no pursuit made : and in these cases, the King or else the Lord, by reason of a grant made by the King, or by the prescription, shall have the goods so waifed, if the owner of them doe not make fresh suit after the thiefe to attaint him for stealing of the same goods ; which fresh suit if hee make, he shall have his goods againe, though they be waifed, but then he must sue an appeale, or else procure the party to be indicted and convicted by evidence at his pursuit, according to the statute made 21. H. 8. cap. 11.

What an  
Estray is.

32 **An Estray is**, when an horse, Mare, Ox, Sheepe, or other Beasts, are in the  
Lord =

Lordship, and no man knoweth the owner of them, they shall be seised unto the use of the King, or to the Lord which hath such an estray by the King his grant, or by prescription, and if the owner come and make claime within a yere and a day, then hee shall have it againe, or else after the yere and the day, the propriety thereof shall bee to the King, or else to the Lord which hath the same by grant or prescription, so that the Lord make Proclamation thereof, according to the Law, in the next markets, and in the Church

33 Also you shall enquire, whether any person have made Rescous against the Lord, or any other officer, and present it. Rescous.

34 Rescous is when the Lord distraineth in the land holden of him for his rent, or services behind, or if the Lord come upon the Lands and would distraine, and the Tenant or some other will not suffer him, that is Rescous: also if the Lord Graine for service behind, or for damage lesant, and in driving cattell to the pound, the beasts enter into the house of the owner, if in such case he that distraineth doth pay deliberance, and the possessours will not deliver them, that is a Rescous, therefore you shall present it, if Rescous have bene made.

35 Also you shall enquire whether any person hath broken the Lords pounds, that is, to have Breach of pound.

## Court Lect,

have taken away a distresse put in, yea or no, and present it. You shall understand, that if the Lord doe distraine any Tenant for rent, or service behinde, hee may imponnd the same distresse in a common pound if hee will, or in his owne ground, or in his neighbours if hee will, by the licence of his neighbour, and all those places in which the Lord doth imponnd any cattell, are called the Lords pound: but otherwise when another doth imponnd any distresse in his owne pound, or in his neighbours, it behoneth him to give notice to the other party, for that if the distresse bee quicke hee may give it went, and then if the beast die for want of food, hee that was distrained shall be at the losse, and then he that distrained before may distraine againe for the same rent or dutie.

Whether a Tenant hath let any farm fall to decay, viz. not maintained husbandry as before.

36 Also you shall enquire if any Tenant of this Lordship hath let any farme or house fall into decay, which at any time thence the first yeare of the raigne of E. H. 7. hath bene let with twenty acres of land being in tillage, yea or no, and present it: for if they suffer their houses to fall into decay, the Lord may take and distraine for halfe of the issues and profits of the same, and keepe them to his owne use, untill such time as the houses shall be sufficiently builded and repaired, that is to say, maine

maintained againe for husbandrie. This was by the Statute 4. H. 7. which is now repealed by 39. El.

37 Also you shall enquire if any inhabitant of common have overcharged the common or highwaies, or your common fields, by putting in more cattell than they ought to keepe, and whether any of them have put their cattell in any their commons aforesaid, before the daies agreed upon, and present it, for the Lord of any commoner (as it laweth) may distraine the surplasse damage feasant, or else you may make among your selves orders and laws for your owne profit, that none shall do upon paine of certaine penalties, &c. and by such laws the inhabitants and commoners shall be bound, &c.

38 Also you shall enquire if any person have made any pits in the High-waies, and whether any person doe commonly use to breake hedges, and to suffer Hogs to goe unyoked, or unringed, to the annoyance of their neighbours.

39 Also you shall enquire whether any person hath strained or stopped any waies, water, ditches, pathes, or turned any of them into a wrong course, and present it.

40 Also if any have encroached any land of the Lord, that is to say, land, meadow, pasture, wood, heath, moore, or any other vacant land

Whether any have overcharged the common.

Whether any pits be made in the high-waies. Breakeing of hedges. Hogs unyoked or unringed. Stopping waies, water, &c.

Whether any have encroached.

## Court Lect,

land without licence of the Lord, by setting of his hedges, pale, or otherwise, and present the same.

41 State that all the vacant and waste land within the Manour, is to the Lord of the Manour.

Whether any have removed any marks.

42 Also you shall enquire where any person have ared, plowed up, or removed away any ~~Where~~ marks, balks, or limits betwene one peece of land and another, and present it.

Whether any have stalked with bush or beast.

43 Also you shall enquire if any have stalked with a bush or beast to kill Where which is in the Lords chase and parke, and present it.

Whether any have or do keepe away any evidences.

44 Also you shall enquire if any person hath or keepe away any evidences, charters, or Court rolls, customarie terrars, or any other evidences which concerne the Lordship, or any parcell thereof, yea or no, and present it.

Whether any have fished, fowled, hawked.

45 Also you shall enquire if any person have fished, fowled, hawked, or hunted in his Lordship or Lords warren, and present it.

Whether any have taken any fessants, &c.

46 Also you shall enquire if any person have taken any fessants, or partridges, with net, snare or other engine upon the freshold of the Lord of this Manour, and present it.

Swannes or Swannes egges.

47 Also you shall enquire if any person have taken away the egges of the lords swans out of their nests, and present it.

48 Also you shall enquire if any lands of the Lords



Lords be kept backe, or occupied by any with-  
out the licence of the Lord: also what land it  
is, and how much land hath bene so occupied,  
and of what value by the yeare the same is, and  
present it.

Concealed  
land.

49 Also you shall enquire whether the Lord  
have any Villaine within his Lordship, and  
what goods, cattels, and lands he hath, what  
estate he hath, that the Lords may seise there-  
upon: also what other things he hath: also if  
any Villaine carry his goods out of his Lord-  
ship without licence of the Lord: or if any free-  
man espouse a Wife without licence of the  
Lord, you shall present the same. Note, if a vil-  
laine purchase land, and both alien the same to  
another before the Lord enter, then the Lord  
after shall not enter: otherwise it is if the Lord  
enter before the alienation of the Villaine: the  
same law is of goods, but the Lord may not  
seise the goods that the Villaine hath as Cre-  
ditor.

Whether  
the Lord  
have Villain  
within the  
Lordship.

50 Also you shall enquire if any trespass be  
done in any of the Lords liberties, viz. in  
his cozne, grille, meadows, pasture, woods,  
hedges, waters, or ponds: or if any take ho-  
ney, swarms of Bees, or any Hawkes, or  
apple of Hawkes, or such like trespass, and  
present them.

Trespass in  
the Corne,  
Grasse, &c.

51 Also you shall enquire if any land be in-  
closed,

## Court Leet,

For inclo-  
sing in fe-  
veralty  
grounds  
without li-  
cence of the  
Lord, &c.

A Copy-  
holder may  
not let lon-  
ger then a  
yeare and  
a day.

Whether  
any be out-  
lawed.

Granting  
greater  
estates.

Whether  
the Bailiffe  
and other  
Officers do  
execute  
their Of-  
fice.

Whether  
the default  
and plaints  
be amended

inclosed, and the same kept in severalty. Which ought to be open, without licence of the Lord and ether freeholders, you shall present the same. for that no Tenant of the Lordship shall lose the Common in the same.

52 Also if any Coptholder let his Copthold land for longer time then a yeare and a day, without licence, except it be by custome that hee may let for longer time, and if he doe, it is a forfeiture, and present the same.

53 Also you shall enquire whether any Tenant of this Lordship hath bene out-lawed in any action of Trespass, or other action, and present it, and whether the Lord be answered of his goods and Cattels, yea or no, and present the same.

54 Also you shall enquire whether any Tenant for yeeres, or life, have granted any greater or larger estate than they had in their lands or tenements, yea or no, and present it, for that is a forfeiture of their estates.

55 Also you shall enquire if the Bailiffe, Headborough, Constable, and Halward, and all other Officers, have well and truly executed their Offices, yea or no and present it.

Note, Headborough nor Constable bee not to present in a Court Baron.

56 To conclude, you shall enquire whether all the defaults and plaints that were presented

ted at the last Court bee sufficiently amended, yea or no, and whether all the orders and laws heretofore made be observed and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences you thinke ought to bee searched and enquired of, and by the oathes that you have taken you shall truly and diligently enquire of all the premisses, and plainly, without concealing of any fault, bring in a true verdict in writing subscribed with your owne hands, sealed with your seales, by such as honour, or as soone as you can.

It is needlesse but in case of Felonie for to deliver their verdict sealed, and then it must be indented: but it is convenient to have it in writing, written or subscribed by them, or one of them but not necessarie: But to avoyd the blame, ignominy, or Under the Seward might incurre, if they did after deny their doings.

57 And finally, if you shall know any thing that ought to be presented to the Lords advantage, you shall doe us to wit by the oath that you have made, and bring us in a true presentment. And now you may depart and enquire of your charge, having a regard of your oaths.

Finis de le charge de Court Baron.